# KILLED IN ITSELI

Special Bill to Secure a Recount of the Amendment Votes Fatally Defective.

ITS ENACTING CLAUSE NOT BUILT RIGHT

Certain Constitutionally Essential Words Were Omitted from the Engrossed Copy.

HISTORY OF SOME DEFEATED AMENDMENTS

Efforts to Patch the State's Bill of Rights That Have Proven Futile.

WHEN THE SALARY GRAB WENT THROUGH

One Case of Recount in Which the Legislature Got Even with the People-The Lobby is Beginning to See the Inevitable.

Lincoln, Neb., Feb. 27 .- [Special Telegram to THE BEE. ]-A discovery was made this afternoon by THE BEE representative that will render null and void the work now being done by the committee appointed to recount the votes cast for and against the constitutional amendments at the last election, as provided by house roll 112.

A fatal defect was found in the enrolled bill, which had not been correctly transcribed, notwithstanding the report to the contrary by Chairman Rhodes of the committee on engrossed and enrolled bills. The defect failed to attract the attention of Governor Crounse when he was called upon to sign the bill, and will have the result of rendering unavailing all the work that has been done and the useless expenditure of several hundred dollars of public money. The constitution of the state provides that the enacting clause of every law shall be as follows: "Be it enacted by the legislature

of the state of Nebraska." These words did not preface the bill in question introduced by Jensen, but in the enrolled copy that clause read: "Be it enacted by the legislature of Nebraska," the words "of the state" being omitted. As soon as the discovery was made the attention of Secretary of State Allen was called to it and he immediately notified the governor. That official was at first inclined to regard the defect as fatal, but subsequently changed his mind and stated that with the looking up of the law and consulting supreme court opinions he should regard it as trivial.

#### Decision from Nevada.

The matter has been looked up to some length tonight, and it is found that the supreme court of the state of Nevada has passed upon a case exactly in point. In the state against Rogers, 10, Nevada, 252-261, 1875, it was held-

That where a form of enacting clause conditionally prescribed it should be followed verbatim, otherwise the act is liable to

declared null and void. In the states of Alabama, Georgia, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, New Jersey, New York, Texas and Wisconsin similar provisions have been courts, and the whole current and weight of the authorities as well as reason is in accord with this view. Cushing in his work on "Law and Practice of Legislative Assemblies," (819, section 2102) says: "Where enacting words are prescribed nothing can be a law which is not introduced by those very words, ever though others which are equivalent are at the same time used."

The question asked falls under this division thus discussed by Cushing. It was suggested by counsel for the relator in his oral argument that when the bill was presented to the legislature the enacting clause contained the identical words required by the constitution and that after its passage, through the mistake of the enrolling clerk, the words "senate and" were omitted. We decided in the state ex rel Georgia, against that we could not look beyond the retary of state in order to ascertain the terms of a law. The correctness of that decision has not been questioned, and under the rules therein established we must take the act as we find it certified to by the officer whose duty it is to certify to the correctness of all laws that have been enacted. Our constitution expressly provides that the enacting clause of every law shall be, "The people of the state of Nevada represented in senate and

assembly doenact as follows."

This language is susceptible of but one in erpretation. There is no doubtful meaning of the intention. It is in our judgment an im perative mandate of the people in their sovereign capacity to the legislature requir-ing that all laws to be binding upon them, shall, upon their face, express the authority by which they were enacted, and as this act comes to us without such authority appearing upon its face, it is not a law.

## Identical with Nebraska.

It will thus be seen that the case now con fronting the Nebraska legislature is identical with that passed upon above. The en acting clause is incomplete and does not specify whether it is the legislature of the state or territory of Nebraska. Several lawyers whose opinions have been asked regarding the matter, have stated without exception that their judgment at first glance, without taking time to look into the case was that the flaw would prove fatal to the

If what appears to be the case is true it makes little difference what the result of the recount may be, as the law ordering the recount would be held to be unconstitutional and void and the amendments would therefore be without effect and could not be enforced, even though the recount might show them to have carried.

It is hinted that this defect is but a part of the deep laid scheme that is generally believed to have been behind the recount move from the start. As has been before set forth by THE BRE it is believed that the railroads engineered the scheme to have the railway commission amendment counted in for the purpose of defeating the passage of a maximum rate bill.

This new discovery is believed by some to have been the result of croosed engineering from the same source in order that the question of constitutionality of the law might be called in question and the law knocked out after it had accomplished the railroad pur-

pose of preventing anti-railroal legislation. History of Some Amendments.

A glance at the constitutional history of Nebraska since 1875 proves indisputably that it is one thing to propose an amendment to the constitution and another to adopt it. It has been frequently remarked that it is im-

possible to adopt an amendment to the con-stitution under the present laws.

The constitution adopted in 1875 has stood for acventeen years with but a single amend-ment, and that amendment, curiously enough, only affected the empluments of the men who for the people of the state. Many important amendments have been submitted.

An attempt was made in 1882 to amend the constitution in order that the right of suffrage might not be restricted to the sterner sex. In 1884 two amendments were submitted, one to increase the pay of mem-bers of the legislature and the other to give to the people of the state a railroad commission elected by the people and empowered to adjust the rates of freight and passenger to adjust the rates of reight and passenger traffic upon a basis more equitable than had existed prior to that time. Other amend-ments have been submitted since that time, but all have failed. A brief history of the efforts to amend the constitution may be of interest at the present time.

Defeat of the Suffrage Amendment.

On February 26, 1881, the legislature finally adopted a joint resolution submitting to a vote of the people an ameniment relat-ing to the right of suffrage. The amend-ment struck the word male from the constiment struck the word male from the constitution and conferred upon the women of
Nebraska the privilege of exercising the
right to vote. The campaign which followed
was one of the most interesting chronieled
in the constitutional history of Nebraska.
Some of the most eloquent advacates of
female suffrage in the United States spen
the summer and fall months of 1882 in the
state, and every vity, town, village and
hamlet echoed with their oratory. A
prominent citizen of Nebraska was selected
as the president of the National Equal
Rights association. Several well edited
newspapers were established and liberally
patronized by the friends of the equal suffrage movement. But in spite of the vigorous campaign the amendment failed to carry.
The election returns show that 25,756 votes The election returns show that 25,756 votes were east for the amendment, while 50,693 were east against it. The total vote of the were east against it. The total vote of the state on governor was \$0.068. The constitution provides that an amendment must receive a majority of the total number of votes east at that election. The suffrage amendment failed to receive the requisite majority, and its friends have never attempted to revive the agitation in its favor. One Amendment That Carried.

The amendment relating to the term of office and pay of members of the legislature met with better luck. The joint resolution extending the legislative term of office fron forty to sixty days and increasing the pay o members from \$3 to \$5 per day was adopted by the legislature on February 27, 1883. In the campaign of 1884 no particular stress was laid upon the importance of the amend-ment. No prominent speakers from distant parts of the country came to the state to urge with their eloquence the adoption of the amendment. No newspapers were established to impress its importance upon the people. When the returns were counted it was populary supposed that it had failed to carry. The original returns now on file in carry. The original returns now on file in the office of the secretary of state show that the amendment received 51,959 votes. On the other hand there were 17,766 votes against it. The total vote was 193,555 and so the amendment was lost.

But those who imagine that an amendment of such vital importance to the pockets of the statesmen who have themselves elected to the legislature every two years could be defeated and still be declared carried have but a poor conception of the "reserved power" that sometimes lies in a vote on a constitutional amendment. That amend-ment was carried, but the people of the state didn't know it. It remained for the members of the legislature themselves to discover the presence of some 2000 votes in discover the presence of some 22,000 votes in the ballot boxes that had been overlooked by the carcless men who had been selected canvass the votes in the several counties of the state.

Extraordinary Legislative Perspicuity. On January 5, 1885, after both houses of the legislature had been organized and the joint convention assembled to canvass the joint convention assembled to canvass the returns, the legislative amendment was duly declared lost. It was not until the life of the legislature had nearly expired that the members realized just how short a legislative term of forty days really was. On February 15 Senator Vandemark of Saunders county was seized with an inspiration. It took the form of a joint resolution providing for the recanvass of the votes on the legislative amendment. He introduced the bill, and in two days it had been passed. It went to the house on February 24 and was massed there house on February 24, and was passed there-two days later. On the 23d it received the official sanction of Governor Thayer and be-

By resolution the clerks of the standing committees of both houses were required to assist in the recanvass under penalty of being discharged. The recanvass was conbeing discharged. The recanvass was conducted by Secretary of State Laws and Auditor Babcock, assisted by Senators J. K. Vandermark and Paul Schminke, and Representatives W. J. Pemberton, F. E. White and W. H. McCann. The work was finished in a surprisingly short time. The governor approved the joint resolution' on February 23. The polling books from the several counties of the state were forwarded to the state [7] capitol. the votef were state | capitol, the votef carefully recounted and five later the canvassing board later the canvassing board was ready to make its report. Too much cannot be said in praise of the promptness and zeal of the county clerks who forwarded their polling books to the secretary of state with so little delay. Many of them who held their official residences in the remote parts of the state must have appreciated the gravity of the situation to such an extent as to forward their books even before the news of the adoption of the resolution had time to reach them by the ordinary channels. The students of the science of telepathy may possibly find in this incident material for profound investigation.

Some Startling Results. On the evening of March 1 the two branches of the logislature met in joint convention to canvass the votes. The results surprised the most hopeful friends of the amendment. The increase exceeded the ex-pectations of even the most sanguine. It was reported that the amendment had re-ceived 72,497 votes. The vote against it was 22,135. Then 27,778 voters failed to express a choice and 16 012 a choice and 16,013 were generous and voted both for and against the proposition. The total vote on the amendment was 138,423 When the total vote on the amendment is compared with the total vote cast for the everal state officers on the same day the are somewhat startling. Here is the

otal vote on the state ticket: On governor, 133,555; on leutenant governor, 133,908; on secretary of state, 134,139; on treasurer, 134,088; on auditor, 134,039; on attorney general, 134,056; on commissioner of public lands and buildings, 134,233; on uperintendent of public instruction, 134,094 For the first time in the bistory of the tate, more votes were cast upon the amendment than were cast for any office on the

The declaration made by the joint legislative convention of January 5 to the effect that the legislative amendment had not carried was by formal vote reconsidered and then rescinded. Thus closed the history of one of the most unique events in the consti-tutional history of Nebraska.

# Failure of Prohibition.

On February 13, 1889, the legislature adopted a joint resolution providing for the submission of a prohibitory amendment to the constitution and one to provide for the licensing of the liquer traffic. The amend-ments were submitted at the general elec-tion in 1800 and both were defeated by an overwhelming majority. The prohibitory overwhelming majority. The prohibitory amendment received 82,292 votes, while 111,

amendment received \$2,292 votes, while 111,728 were cast against it. The high license amendment received 75,462 votes, and against it were cast 91,084. The total vote at that election was 214,861.

The legislature of 1889 also submitted two other amendments, both relating to the judicial department. One increased the number of judges from three to five and the other fixed their salary at \$3,000 per annum instead of \$2,500. Both were defeated. The one increasing the number of judges received \$6,418 votes while 53,022 were cast against it. The other received \$6,100 per colored \$6,418 votes while 53,022 were cast. against it. The other received 69,193 to 6: to 61,519 against.

The last attempt to amend the constitu tion was made at the recent general election two amendments were submitted. The commission by the people. It received so, C. Wotes against 14.185 against it. As the total vote in the state was 209.50s the vote in the state was 209.500 the fact that it was favored by all the political parties of the state. The other amendment pro ided for the investment of the perma-

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PLEADING FOR ORGANIZATION

Address Issued by the National Association of Democratic Clubs.

REPUBLICAN DOCTRINES DENOUNCED

Democratic Organization Urged to Prepare for the Election of 1894-A Congress in Harmony with the Administration is What is Wanted.

Washington, D. C., Feb. 27.-The following address was issued today by the Na-

tional Association of Democratic clubs. "The address of the National Association of Democratic clubs in April last outlined the issues upon which the contest of 1892 must,

it appeared, inevitably be conducted. "We were not mistaken in the views then expressed. The great battle was pitched at every point upon the lines indicated. The vital principle of strict construction was put at issue, and it was deliberately approved by a great majority of the votes cast. The tariff question resolved and settled by the application of the rule embodied in the tenth amendment is a question no longer, if the overwhelming judgment of the people expressed at the polls is to be respected and obeyed by their representatives. The details of tariff reform-of a system of taxarevenue consistent with the wildest liberty of trade-remain to be adjusted by a democratic congress with the aid of an enlightened executive chosen to serve alike the in-terests of all classes of American ettizens. In the address above mentioned we declared:

Power of Congress to Levy Taxes. "Congress may, under the constitution. tax the people to sustain their own govern-ment. It has, however, just as much right to take their lives or to sell their children into bondage as it has to take a dollar from them for any other purpose. But the federalist party, purely to create monopolies upon which it may rely for political support, and to further enrich its wealthy favorites. boldly assumes the ungranted and forbidden power to levy the taxes, with no view what ever to public revenue, but with a sole and avowed view to transfer untold millions of money annually from the pockets of the many, who have earned it, to the coffers of the few who are licensed to seize it in virtue of their unconstitutional monopolies. If this can be done there is an end of liberty, done there is an end of liberty, our federal government is utterly perverted it is not merely a fraud, but a despotism and there is nothing left worth a struggle. The power to take and appropriate to others the proceeds of the people's labor is the power to enslave the people. No such authority can be found in the federal constitution. And the question, whether it shall be exercised, though ungranted, and, therefore, forbidden, is the question, as Mr. Jefferson stated it, between a limited and unlimited government; between self-government and corruption; the realization between and popular liberty and a grasping and grinding

greedy tyranny; between the masses and classes; between the federalist republican and the democratic parties.

"With great deliberation and solemn emphasis the Chicago convention took the

#### same position. Tariff Reforms Necessary.

"But while power steals readily and almost imperceptibly from the many to the few the process of reclamation is ever pain-ful and slow. The enormously rich beneficiaries of the federalists' policy, taxing the many for the benefit of the few, circumscrib-ing the industries of the mass to enlarge the have been for more than a quarter of a century. They are in full possession of the monopolies, which have enriched them as no private class was ever before enriched in the same length of time and enabled them to protect the party protecting them. will remain 'in power' until a just revisio of tax laws on the lines of the constitution, as decreed by the people in the late election. shall lop off their undue profits and restore to the common people that proportion of their own earnings which the federal government does not plainly require for objects

"They are banded still, as heretofore, in defense of their unconstitutional privileges. They will resist stubbornly at every point and stage any tariff reform : tariff reform in its whole wide beneficient scope, as contemplated by the democratic party and the majority of the people, will be accomplished only after a fierce and prolonged struggle. The people, it is true, have selected their instruments, an executive and a congress, to make this battle for them. But the battle is to be made and is yet to be won. Everything substantial remains to this hour with the enemy, including the vast wealth of the monopoly combination, increased every monopoly laws which stand unre

## Urged to Organize,

"The object of this address is to urge the democratic people and those who united them at the election, November list, to maintain perfect and extend the system of affiliated democratic societies, whose recent service to the great cause was so conspicuous, and which must, until the fruits of the late victory are gathered. he required to the late victory are gathered, be required to uphold the hands of our official represent atives in the long and desperate struggle private interests which is before them. A democratic president and a democratic congress will need in the next four years, more than ever before, the support of a vigilant party and an aroused people, represented in a perfect or-ganization, whose principles and purposes are beyond all possible question. A miscar-riage in the elections of 1894, a failure to return another large tariff reform majority would be a calamity of crushing magnitude Against it we can have no assurance excepa system of democratic clubs, well organ ed, active and aggressive, in every state and district where a contest is to b and their union in state and national associ-

"From the hour in which the national con ventions of democratic clubs assembled at New York in the first days of October the ele tion of Cleveland and Stevenson was seen to be beyond a peradventure. That magnificent assemblage of active and patriotic men from all parts of the country, associated under a simple declaration of axiomatic democrati principles, was a spectacle so striking and encouraging as to resolve all doubts, and it is now very plain that to the 1,000 democratic clubs represented in that convention and in this association, too large a share of credit for the final result cunnot be accorded. Let us be found even better prepared in 1894 and 1896. Yours traft

CHAUNCEY F. BLACK, President. LAWRENCE GARDNER, Secretary WILLIAM L. WILSON, Chairman cutive Committee. of the Executive Committee.

And members of the executive committee

POPULISTS WILL SUBMIT. Kansas Legislature Will in the Future Have

but One House. TOPEKA, Kan., Feb. 27.—Tomorrow Kansas will have but one house of representatives. The populists were in caucus all day today considering what action to take in view of the decision of the supreme court that the republican house was the legally organized one. After much discussion it was formally decided tonight that the populist members should join the republican house tomorrow morning. They will demand, however, that the house pass an appropriation for the payment of the salaries and per diem dues f the officers and members of the populist house up to date. The populists decided also that no bills should be passed excepting those necessarry to keep in motion the machinery of the state and that adjournment should be reached as speedily as possible. The senate today empowered their elcotions committee to Inquire Into the election of Chief Justice Horton of the supreme court. The populists say they believe Mr. Horton was illegally declared to be elected in 1800 over the populist candidate, Rightmure. Their action seems to be distated by revenge for the decision of the supreme court, declaring the populist house to have been illegally organized.

CLEVELAND'S INAUGURAL ADDRESS.

It Will Be Short-Subjects Upon Which He Will Touch. New York, Feb. 27 .- St. Clair McKelway,

editor of the Brooklyn Eagle, who has been for several days at Lakewood, N. J., and during that time has had conferences with President-elect Cleveland, writes his paper as follows:

"Grover Cleveland's innigural address as president of the United States for four years from March 4 next will contain about 1,700 words and will be more general than specific in character. Mr. Cleveland has carefully written out what he desires to say, but will speak at the inauguration without manuscript, only referring to topical notes to refresh his memory. His utterances upon the financial policy, tariff and economy of administration will be decisive and frank. Confidence in democratic principles as able to deal with the problems of labor and capital, sec-tional divisions and political unrest will be expressed. The abolition of federal inter-ference with elections in the states will, it is said, be treated as a recognized decision of the people. The pension department, the new navy, a rigorous quarantine and the regulation of immigration will probably receive attention. The president may not refer openly to the question of anexation of Hawaii, but will probably take a conservative stand on the subject and not act hastily.

"Mr and Mes Claydred will be a transfer.

"Mr. and Mrs. Cleveland will go at once to the executive mansion after the inauguration, and not to any private residence, as has been stated. President Harrison has had the white house put in admirable condition. He has been in correspondence with Mr. Cleveland, and the latter greatly appreciates the kind, provident and hospitable spirit which the retiring president has shown for the comfort of the family of the

incoming executive, "Mr. Cleveland and President Harrison "Mr. Cleveland and President Harrison will ride to and from the inauguration ceremonies together. Mr. Cleveland's first veto was sent in against the arrangements that he should be driven from the capitol to the white house behind four black horses in white harness with an outraier on each."

Mr. McKelway adds: "The eleventh hour loyalty of the Brooklyn machine to Cleveland is appreciated at its commercial value

land is appreciated at its commercial value here, and whether the home machine will have the courage to keep out of the caucus at Albany or not is watched forthwith with interest. The policy of going into caucus to save regularity mixed with the purpose to back out or to try to back out of caucus if anything unpleasant is sprung on the caucus is regarded here as an endeavor to ride two horses going in opposite directions at the same time. Open opponents within the party will be treated with no preference, as nerve-less and inveterate self-styled friends. Antisnapper democracy ranks high in the quotation of political values here and at Washing-

#### ON HIS WAY TO WASHINGTON.

Vice President-Elect Stevenson Given a Great Send Off by Bloomington People.

BLOOMINGTON, Ill., Feb. 27 .- All of Bloomington was astir this morning to bid farewell to Vice President-elect Adlai Stevenson, who was to start on his journey to Washington for the isaugural. Mr. Stevenson and family arrived at the depot at 7:30, but the crowd would not be denied, and it but the crowd would not be denied, and it was 8 o'clock before Mr. Stevenson could finish the round of hearty handstfakes from friends and neighbors. The greatest enthusiasm prevailed and a great farewell cheer arose as the train pulled out. The train was chartered through to Washington by the Illient December 1. by the Illinois Democratic club. The train consisted of a baggage car, four sleepers and the private car of President Oakes of the Northern Pacific for Mr. Stevenson's pri-vate use. The rest of the train was filled with friends and relatives of the vice presi-

dent and prominent democrats.
Cuicago, Ill., Feb. 27.-Vice President Stevenson's train arrived at South Chicago shortly after noon and was shunted from the tracks of the Chicago & Alton road to those of the Baltimore & Ohio, over which the remainder of the journey will be made. Mr. Stevenson was greeted by his fellow citizens at the towns along the way, but made no speeches.

# CLEVER PROHIBITIONISTS.

Resubmissionists.

PIERRE, S. D., Feb. 27.—[Special Telegram to THE BEE. ]-The senate today passed a bill appropriating \$15,000 to cover claims for per diem and expenses of the militia from Hermosa and Rapid City, who served at the time of the Pine Ridge Indian trouble two years ago. It is very likely the bill will go through the house. A strong lobby is here, including Stanton and McLeod, at whose ranch the troops stayed.

The prohibitionists this morning, by a elever deal, shelved the resubmission resothe session. utions probably for moved that the bills be made a continuing until disposed of. As it is hotly contested it may not be finished till the last day of ses-sion. Meanwhile no bill can be considered without the consent of two-thirds.

The resubmissionists are very angry, but are hatching a scheme to circumvent their opponents. They claim to have a full majority

in both branches.

The governor today appointed L. T. Boucher of Eureka a member of the board of regents, and the nomination was imme-diately confirmed.

Cleveland's Special Train. Philadelphia, Pa., Feb. 27.—The presi ential special train, which will run over the Reading road, carrying the presidentelect and party from Lakewood to Washington on Thursday, will consist of a royal blue line baggage car and the private cars Balti-more. Oriental and Monmouth, The train will leave Lakewood at 1:25 p. m., reaching Elizabeth at 1:50 p. m. and Bound Brook at 2:11 p. m. In order to avoid a probable crowd it will stop at a point outside of Phila-delphia to change legencylyse and will reslelphia to change locomotives and will pas through the station at 2:40 without stopping. It is due at Washington at 6:30 p. m.

Afraid to Leave the State. CHEYENNE, Wyo., Feb. 27.-A. C. Beck with, the newly appointed senator, with Chairman New and Adjutant General Kabis, left today for Washington. Governor Osborne was to accompany the party, but decided to remain in the state. It was feared that should be leave, Secretary Bar-bour, who would be acting governor during his absence, would on March 4 appoint F. E. Warren as senator for the ensuing two years. and thus prepare a basis for contest against

Speaker Waish Deserts His Party GRAND FORKS, N. D., Feb. 27.-George Walsh, speaker of the house of representatives, has renounced the republican party and gone over to the democrats. He declare that the senatorial contest at Bismarck ought to end the existence of the republican party in the state.

Senatorial Contests. OLYMPIA, Wash, Feb. 27 .- Today's senatorial ballot: Allen, 40; Turner, 20; Griggs, 23. Remainder scattering.
Hallena, Mont., Feb. 27.—The vote for sen-abor today stood: Mantie, 30; Clark, 25; Dixon, 1; Kleinschmidt, 2; Toole, 1; Hall, 1.

Norvin Green Left No Will. LOUISVILLE, Ky., Feb. 27.- [Special Telegram to THE BEE |-Dr. Norvin Green did not leave a will. He left a fortune of about \$750,000. Under Kentucky laws one-third goes to the widow, which leaves \$500,000 to be divided between six children, four sons and two daughters.

# CRAZED BY RELIGIOUS WORK

Rev. J. R. Sanford of Sumner Loses His Mind While Preaching.

SMASHED THE BIBLE OVER THE PULPIT

For Five Minutes the Audience Witnessed a Remarkable Performance Interesting Iowa Litigation Several Im-

portant Points to Be Decided.

SUMNER, Ia., Feb. 27.—[Special Telegram] to THE BEE |- Rev. J. R. Sanford, paster of the Methodist Episcopal church of this city. was afflicted with insanity while occupying the pulpit Sunday, and for a time pande monlum reigned. For weeks Mr. Sanford has been holding revival meetings, working very hard and going without food and sleep, until his friends noticed that he sometimes acted strangely and appeared to be completely worn out.

At the Friday afternoon meeting he talked harshly and almost flercely to the congregation, so much so that much talk was indulged in. Saturday night he seemed utterly beside himself, his face wearing an agonized appearance, noticeable to every one. Sunday morning he preached a powerful sermon, closing with an exhortation, and at this moment his mind gave way and for five minutes he was a raving manner.

He raved, swore, threatened violence, smashed the bible over the pulpit, jumped upon it, cursing and calling down the wrath of God all the while.

The large audience was simply paralyzed. Such a thing had never before been heard of in this state. A town official, happening to come in just at this time, went forward and took hold of the unfortunate man, spoke a few words to him and reason returned. He was taken home, but is in a critical condition, physically and mentally.

#### WEALTH OF THE WISNERS.

Costly Litigation Over the Appointment of an Administrator.

Ельова, Ia., Feb. 27.—[Special Telegram to Tue Bee |- In the district court, which opened here today, will be tried what now promises to be one of the most sensational timancial suits ever brought into court in the state of lowa.

L. F. Wisner was probably as wealthy and as well known a man as there was in the country. He had by injustry and frugality accumulated a fortune estimated at \$1,000,000. About two years ago he and his son, George H. Wisner, drove out into the country to look over some land and a shotgun was put into the buggy, the young man intending to hunt while the old gentleman was transacting business. They had arrived at their destination and the young man was taking the gun out of the buggy when it was discharged, killing the father,

when it was discharged, killing the father, and the son immediately passed into the ownership of two-thirds of this great wealth. Prior to the death of L. F. Wisner, his son George, as it is understood decidedly against the wishes of his father and mother, married Miss Fannie Gilman, daughter of C. C. Gilman, for many years closely identified with the Iowa Central. At the time of Wisner's death his secretary, J. D. Newcomer, was appointed administrator, and settled matters seemingly satisfactorily to all.

On January 11 last occurred the death of George H. Wisner. The law prescribes that within twenty cays the widow may apply for the appointment of an administrator, and this war dear the signal of the second control of the and this was done, she asking that nerseli and J. L. Williams of Marshalltown might act as such. For some reason they approximated his wealth at only \$25,000. offered individual bonds to the amount of \$50,000. The clerk of the courts refused to appoint on grounds of insufficience of bonds and an underestimate of the deof bonds and an underestimate of the de-ceased's wealth. A few days later Mrs. Julia A. Wisner, mother of the deceased, asked that the administrator of the former estate, J. D. Newcomer, be appointed, and he gave bonds in the sum of \$400,000, and this was accepted. Immediately upon learn-ing of this Mrs. Farnic Wisnes and ing of this, Mrs. Fannie Wisner and J. L. Williams offered additional bonds to the amount of \$700,000, and at once their attorneys commenced action to have the appoint-ment of Newcomer set aside on the ground that the clerk had no right to appoint others when they complled with all the require-ments of the law. Upon this point the case will be fought.

## SHORT LINE PLANS.

It Will Be Pushed from O'Neill to Connect

With the Barlington. Stoux Crry, Ia., Feb. 27.—The Pacific Short Line bridge, begun three years ago and suspended by financial reverses, is to be completed at once. It will be sixty feet wide and cost over \$1,000,000. It is expected to be completed November 1. The Pacific Short Line is also getting ready to push westward from O'Neill. Its first aim will be to get connection with the B. & M. road near Dun-ning, Neb., which will give the road a line into the Black Hills and the Burlington new line to the Missouri river. Negotiations looking to this have been completed. The ultimate object is to make the Short Lin ew route into Denver, Ogden and the Pa-

Ft. Dodge, Ia., Feb. 27.—[Special Telegram to The Bee. |-The sensational Keating will case ended here today in which the heir of Patrick Keating attempted to break his will claiming that Father Darcy, a Catholic priest, had used undue influence to secure Keating's property for the church. Judge Hindman's decision completely vindicated the priest, his ruling holding that there was no evidence to warrant the charge of forgery or undue influence. According to his decis-ion two of the heirs are given one-fourth of priest for the church.

DES MOINES, Ia., Feb. 27.-[Special Telegram to The Bee. |-Miss Emma Ballard, known as Lady Aama, the giantess who has been on exhibition at a local museum here, died at 3:30 this afternoon of consumption

and "growing" fever. She came from France about fifteen weeks ago, was 16 years old, weighed 255 pounds, wore a No. 17 shoe and was still growing. Boong, Ia., Feb. 27,-[Special Telegram to THE BEE |-The tramp Ross, whose murderous assault upon an old man was so bravely repulsed by the intended victim's two daughters some time back, was discovered in an attempt to break jail today. He hall three bars of his window sawed off. He was taken to the Story county jail for safe keep

Liens on the Yankton & Norfolk. Sioux Cirr, Ia., Feb. 27.- Special Tele gram to THE BEE. |- The creditors of the Yankton & Norfolk line, now in course of construction, filed liens against the road today aggregating \$20,000. The road is graded and partially ironed from Yankton S. D., to Norfolk, Neb.

Cudahy Secures a Contract. Sloux City, Feb. 27.- [Special Telegram to THE BEE.]-The Cudahy Packing company was today awarded a contract to furnish the government 200,000 pounds of bacon to be supplied from its Sioux City and Omaha

Want the Corn Duties Suspended. NEW ORLEANS, La., Feb. 27 .- The Times-Democrat's City of Mexico special says: The National Board of Public Charities of Mex-

ico has petitioned the government for another reduction or temporary suspension of the duty on corn, claiming that large quantities of the grain will be required to prevent suffering among the poorer classes in various parts of the republic. All the Mexican railways have increased their rates and it is stated that the government will order them reduced in order to make the transportation of corn from the United States cheaper than at present.

#### TEN KILLED.

Sleeping Inmates of a Chicago House Crushed by its Collapse.

CHICAGO, Ill., Feb. 28.—The wall of a burnng building in South Halstead fell about 1 a, m. this (Tuesday) morning and crushed a house in which two families were living.

Ten bodies have been taken out of the ruins of the fallen wall.

#### MACKAY'S CONDITION.

He is Rapidly Recovering from His Wound His Assailant Dying. San Francisco, Cal., Feb. 27. - Health Of-

ficer James W. Keeney, physician in attendance on John W. Mackay, today said that Mackay had passed a very good night.

"I dressed his wound at 9 a. m." said Dr. Keeney, "and found it was in tip-top condiion. Tonignt I intend to take out some of

the stitches."

Mr. Mackay is feeling very well and is able to sit up in an easy chair.

Wesley C. Rippey, the old man who shot Mr. Mackay, is sinking rapidly at the receiving hospital today. Police Surgeon Sumers has no hope of the man's recovery. When he was seen today he said he was sorry he had not made a good job of the shooting. He said:

"I am an old man 73 years of age and I knew perfectly well what I was doing when

"I am an old man 73 years of age and I knew perfectly well what I was doing when Lired that shot. At one time I had over \$22.000, but Fair, Flood and Mackay caused me to lose it after it was invested in stocks. That loss changed my whole life. Instead of the hopeful, energetic man I once was I became a misanthrope, avoided the society of my fellow men and became a stranded hulk in pauper alley. I may be wrong, but I think all rich men like Mackay should be killed."

"I would do the same thing over again, but next time with better success I hope."

A fit of coughing interrupted the old man, and turning wearily on his side he refused to say any more.

to say any more. SACRAMENTO, Cal., Feb. 27.—Colonel James McNasses of this city, Rippey's former part-mer, said today: "In 1885-6 he was partner with me and Judge Stratharn in a mining business at Breckinridge, about sixty miles from Denver, but he sold out and went into the hotel business at Denver, running the Tremont house there. He sold it for \$23,000 and that is the most money he ever had. He was always in litigation and I regarded him as a crank. I don't think he ever knew Mackay personally or had dealings with him.

#### PECULIAR RAILWAY ACCIDENT.

Carelessness of a Newsboy Causes the Destruction by Fire of a Smoker. CINCINNATI, O., Feb. 27.-A Paris, Ky., dispatch says that a smoking car on the Kentucky Central branch of the Louisville & Nashville road caught fire near Talbott station while the train was running at full speed and was destroyed. A newsboy iit a cigarette and threw down the match beside a leaking can of gasoline. The fluid caught fire and the passengers ran for their lives, some of them jumping through the window. The following people were badly

G. C. LOCKHART. ATTORNEY WILLIAM TARR. DR. J. W. JAMESON. J. W. McShain. R. GOGGIN. WILLIAM BALLINGER.

burned:

M. H. APPLEGATE, the newshov COLORADO'S LATEST STRIKE.

Regular Old-Time Mining Boom Follows the Discovery Near Pitkin. Denver, Colo., Feb. 27.- [Special Telegram to THE BEE.] -The recent discovery that Chicago park, a mile above the town of Pitkin, is underlaid for miles with mineral of high grade in workable distance of the surface has caused an old-time mining boom Shafts are being run all over the park. Some m, and will average \$190. The character of the discovery is such that the Union Pacifi railroad will immediately reopen the old It has been closed severa

#### struct a branch from Parline to Pitkin for the purpose of securing the business in vi-Cudahy, the Chicago pork man, is interested largely in the company.

BRAVE ENGINEER TORPEY.

years and the Rio Grande company

In Rescuing Children from a Watery Grave He Nearly Loses His Life. Philadelphia, Pa., Feb. 27.-- [Special Tele gram to The Bee.]-Dominick Torpey is an engineer on the Pennsylvania road. While taking a freight train to New York when near Frankfort he saw four children break through the ice on a pond. Torpey whistled for brakes, leaped from the engine and dashed into the water. He saved William Tampler, aged 6 years, and came near losing his own life. After pushing the children on solid ice Torpey became childed and was rescued by the train crew. He was taken to a hospital and is in a precarious condition. The fireman ran the train to Bristol, where another engineer took Torpey's place.

## UNIQUE AND HORRIBLE.

How a Pennsylvania Man Put an End to His

Existence.
Pittshung, Pa., Feb. 27.—A Chronicle-Telegraph Newcastle, Pa., special says. Lee Taylor, who lately met with financial reverses, deliberately laid down on the log carriage at a saw mill at Mud Run Saturday evening, and grasping the framework with one hand and the shaft with the other, pulled himself up to the rapidly revolving saw. His head was instantly severed from his body and rolled down into the dust pit. The engineer, noticing a jar in the machin went to the saw and was horrified to ery, went to the saw and was normed to find the bleeding trunk still lying on the car-ringe. The deceased was recently married and leaves a wife, but no children.

## COLLIDED ON A BRIDGE.

Freight and Passenger Trains Wrecked While Crossing the Potomac River. Washington, D. C., Feb. 27 .- A collision betwee passenger and freight trains on the causeway of the long bridge over the Potomac this morning resulted in the wrecking of both engines, killing Fireman Simpson of the freight and seriously injuring the engineer and fireman of the passenger train. The telegraph operator on the bridge was ar-

rested for falling to close the switch. Another Place for Harrison.

New York, Feb. 27.-A morning paper says: Considerable correspondence has been oing on between President Harper of the Chicago university and John D. Rockefeller concerning the best methods of promoting the growth of the university. From a hint dropped by the millionaire to one of his friends, it is believed that a chair of consti-tutional law will be endowed in connection with the Chicago university, the salary to be \$25,000 per year, and that President Harrison will be invited to accept this position and lecture at least twice a week to the students of the Chicago educational Institution.
Chicago, ill., Feb. 27.—The report that
President Harrison is to lecture on constitutional law at the university of Chicago, was

denied today at that institution. Killed Two Claim Jumpers. PHENIX, Ariz., Feb. 27.-In the placer dis-

jump his elaim.

# GAUGING THE GLADIATORS

Griswold Makes the Rounds of the Training Quarters Near New Orleans.

ALL THE FIGHTERS ARE IN FINE FORM

Ryan and Dawson Have Both Been a Triffe Sick, but Not Seriously - Fitzsimmons, Smith and Goddard in Perfect Health.

New ORLEANS, La., Feb. 27.-[Special Telegram to Tue Bes | - The Crescent City is in an unusual stir this evening, as the arrivals from all parts of the country throughout the day have been both prominent and numerous. In consequence the directory of the two clubs, the Olympic and the Crescent, are feeling judiant and happy. There is but little doubt now but what the dual carnival will be a success, so far as pulling out even is concerned at any rate. To necomplish this, however, will be more of an uphill job for the Olympic than the Crescent, for everything indicates that the larger percentage of the prospective crowd will hold for the big \$40,000 mill between Hall and Fitzsianmons Already the sale of seats for this event assures a tremendous attendance. Many of the local enthusiasts predict more people than were here last September to, witness the fall of the big fellow. The four events under the auspices of the Olympic aggregate in purses the sum of \$19,500 and add their expenses to this and it will foot up nearly double this figure. They are confident of pulling out square, but investigation does not fully justify this expec-

#### Not Up to high Water Mark.

Of course the city is tolerably well filled with strangers, from the east, north and west, yet notwithstanding the hotels are doing a rushing business and that all the sporting resorts are jammed with strangers there is nothing like the masses that were upon the same scenes six months ago, and, as I have always claimed, it will not be within the time of the present generation that the sporting world is again acitated like it was then. There is not existing a curiosity of the magnitude and magnet power of John Lawrence Sullivan. When Mitchell and Corbett meet here, for they surely will if they meet anywhere, it is a bold judge indeed who will put the crowd on a level with that which gravitated here to see Pompadour Jim punch

the big Boston pudding. The Ryan-Dawson contest, which comes off Wednesday evening, is creating more excitement just now than all of the events of the two clubs combined, by reason of the tremendous influx last night and this morning of the Ryan cohorts. For the time being the great fight between Hall and Fitzsimmons

has sunk into insignificance. Tommy Ryan's Chances.

Ryan is a hot popular favorite here, but it should be remembered that Billy Meyers was, too, popular. Prejudice does not win fights, as I have seen demonstrated time and time again. In this instance, however, I do not think the public is basing its opinion on anything but the solidest of foundations. [ ] was with Tommy all yesterday afternoon at his training quarters at Bay St. Louis, as lovely a spot as was ever polluted by the foot print of a prize fighter, a veritable tropical paradise, overlooking the tumultuous gulf and fanned by the indolent but life-infusing breezes from the West Indian ocean. The big spreading oaks in their dark rich enfoliation, the tall magnolias with their glistening waxen, oblong leaves, great thickets of clambering rose, banks of flowering jessamine, clematis and japonica, the blue canopy with its lacy network of scurrying clouds, and the farstretching bay, dotted here and there and everywhere with the white-sailed craft of the fisherman and oyster catchers, make a scene of gentle picturesqueness that people

#### of the north know nothing about. All in Fighting Form.

I went up in company with President Noel of the Crescent club, J. J. Foster, the club's press agent, and a number of other gentlemen. We also took in Scranton, where Ed Smith is putting on the finishing touches, Biloxi, the abiding place of Goddard and Dawson, and and a number of other notable points. We found all of the fighters, with the exception of Dawson, in fine form, the latter has had a rather severe attack of dysentery, which has given him a haggard and worried look, e is recuperating fast and expresses i belief in his perfect fitness by day after to-morrow night. This circumstance, however, has been sufficient to again change the betting, and this evening it is 4 to 5 in Tommy's favor, and last night in the old slave mark of the St. Charles bar a bet was made on the strength of the above fact of \$200 to \$1,000 that Dawson would not face Ryan in the ring Wednesday night, but this is all right. Dawson told me himself that his affliction was but temporary and slight at its worst, and he would be on hand, much to the regret and chagrin of this section of the world. I never saw Ryan looking better, although, if the truth were known, he has been suffer-ing a lot with his bowels too, but today he is

as sound as a new dollar. He looks a trifle drawn about the face and small of the body, but the way he punched big Henry Baker about for the benefit of his visitors convinced all that he is as fit as human skill can make Up to within the past twenty-four hours Dawson has been in most excellent con-dition. The salt air acrees with him won-derfully well and yesterday, notwithstanding the recent draft on his system, he was one pound over weight and just two heavier

Joe Goddard looks as sturdy as a rhinoe-eros, and just about as pretty. He is taking things easy now, devoting himself exclu-sively to mending his lung power.

What Big Bob Says.

While at Biloxi I had quite a long talk While at Biloxi I had quite a long talk with Fitzsimmons, who, as is ever the case with him, is ready to step into the ring at a moment's notice. He is a marvel and no mistake, and it gives a man the shivers to look at him. He weighs exactly 168, and looks much thicker about the hips than when I saw him last fall. At the request of Mr. Noel, Johnny Elchardt passed the tape in under the monster's arms about his chest and it showed exactly forty-four inches, almost Sullivan's measurement when he most Sullivan's measurement when he fought Corbett. His calves have also taken on flesh and he is stouter every way from the knees up. He reviewed the Hall knockout in Australia, laughing in a sardonic way, and remarked that there was no period in the careers of he and Hall in Australia when he could not have knockedthe latter out in three rounds. Yet despite of Bob's bluster and brag, even here in his throne, Hall is quoted at even money, and at the ringside will be the favorite. The subthe ringside will be the favorite. The sub-stantial element down here want to see Fitz whipped, but the pickers and the fancy are ooting and pulling hard for him.
I also saw Austin Gibbons, but as he is

cutting but an infinitesimal figure in the ex-sitement, I didn't waste much time in his bailiwick. Ed Smith's Bold Talk.

As for Ed Smith he pretends to be bubbling over with confidence, but it only re-quires half an eye to discern that he is workng the racket on false pretenses. trict on the Hasayampe river a man named Michael killed two Mexicans who tried to destined to receive an unmerciful beating. He boldly asserts, however, that he will defeat the Barrier champion just as sure